

Empowering Women for a Better Future

Agandaa Jennifer Azubire^{a*}, Professor Ying Hongbin^b

^{a,b}*Zhejiang Normal University, College of Economics and Management, Jinhua, Zhejiang Province 688 Yingbin Road.321004, CHINA*

^a*Email: agandaaajen@yahoo.com*

^b*Email: ykyhb@qq.com*

Abstract

Issues of Gender has, in many years, been a top most and a cross-cutting priority for the Developing world, and most recently in 2016 was no different. The African Union in 2016 declared it to be “The Year of Human Rights with a Special Focus on Women’s Human Rights.” Gender Equality was a priority in the Millennium Development Goals and continues to be so in the new Sustainable Development Goals and much other focus. African women have made many great strides in their economic and political empowerment, but still many women bear the brunt of economic hardships and violence. African/women in the developing world are becoming increasingly involved in leadership positions. Female participation in African legislatures outpaces many developed countries. Rwanda at present has women in leadership positions standing (at 63.8 percent) ranks number one in the world, with the Seychelles, Senegal, and South Africa similarly being in the top 10 countries. Fifteen African countries rank ahead of France and the United Kingdom, 24 ranks ahead of the United States, and 42 ranks ahead of Japan.

Keywords: Better Laws; and Development for Women.

1. Benefits of Gender Empowerment)

- Some gender advocates are of the view that, the major roadblocks that affect the change in women's current situation in education and work is culture and religion. The study also thinks this is because many countries that are signatories to many of the laws articulated at the level of the United Nations and domesticated in national constitutions do not implement them.

* Corresponding author.

I personally think it will take strong religious leaders to remold the cultural mindsets. An example of what I am saying is the strong influence that the actions and utterances of Pope Francis are having not only among Catholics but also in civil life across the world. I believe with liberation theologian, Leonardo Buff that symbols are more powerful than words. With Pope Francis washing the feet of women on Holy Thursday for two years running, and in the third year making it into a law in the Church; he has sent out a powerful message of inclusion. If every religion and every cultural block will take the symbolic and ritual acts of discriminations against women, all other facets will crumble and fall in place in a more desirable configuration.

2. Gender-based development

The number of gender-based development campaigns aimed at assisting women's social status has gained a considerable momentum over the past few decades. However, in male-dominant societies such as those in Asian and African countries, the winds of change are very slow. Presumably, the root of the problem is often considered to be the meager budget allocated to women's education, gender equality, human rights, and health. The crux of the problem, however, lay in long-established traditions and religious beliefs preventing women from reaching the social level they truly deserve.

3. Born Equal in Dignity and Rights

Gender equality is one of the objectives of the United Nations Universal Declaration of Human Rights. Faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women. All human beings are born free and equal in dignity and rights. Why are most countries not respecting the rights and taking into consideration that we are all equal under the law no matter the gender, color or religion?

4. Status of Women in a Family (IRAN/INDIA)

In a recent, the researcher is going to consider the different domestic laws in Iran and India towards Muslim women's legal status under family laws. Muslim women are under many discriminatory laws within the family such as; minimum age of marriage, guardianship's permission for marriage, polygamy, patriarchy like women's need to husband's permission for working and taking passport, sexual abuse and marital rape, inheritance discrimination and lack of specific legislation to prevent, prohibit and punishment of domestic violence and particularly, there is no position regarding punishment of stoning as a penalty for adultery. Unfortunately in India also Muslim women as religious minorities face with such problems within Muslim personal law towards marriage and personal freedoms which are severely restricted, like polygamy and threat of verbal divorce and etc. Therefore there is a need to study how the presence laws in Iran and India can help lawmakers to create or amend better laws to protect the rights of these vulnerable women in the family. The present research work will prove that, if the present family laws in Iran and India take more steps towards empowering women and adopting and implementing efficient policies aimed at eliminating gender-based violence, could help Muslim women to move out from a weak position and to exercise their power like men in an equal way. Furthermore, reforms existing laws, regulations, customs, and practices in accordance with the objectives of international regulations for the effective protection of women within the family is needed.

5. Eradicating Gender Violence

Gender violence is a serious public health problem and human rights, both in the Brazilian and Spanish society, so that public policies of these countries have the responsibility to eradicate this problem. Objective: To compare policies on gender violence between Spain and Brazil as well as their influence on nursing care to the abused women. Results: public policies that both countries have made since the 70s until today, under the influence of the International Conferences of the United Nations, notably from Beijing are exposed. Among the policies developed in these countries currently, stands in Spain Organic Law 1/2004 and Brazil Maria da Penha Law. Public policies are translated in both countries in specific programs on women's health, who have also evolved since the 70s, from contemplating women exclusively in their gravid-puerperal cycle glimpsing in their overall health throughout the life cycle. These programs provide care to women in situations of gender violence through action protocols that emphasize the importance of identifying the problem in primary care, multidisciplinary actions among health professionals and coordination of the various institutions of protection of women to violence. Conclusions: As a consequence of global conferences and conventions on women and human rights, there have been policies in Spain and Brazil focused on gender equality and prevention of violence against women that have resulted in significant advances for the whole society, but they have not yet reached their goals. Women Health Programs start considering women as a subject of citizenship and rights. This evolution occurs in Spain after the influence of international conventions and conferences. However, Brazil is pioneering programs to include comprehensive women's health and reproductive health concepts, even before gaining importance internationally. These programs include violence against women as a field of action from the performance of health professionals in general and nursing in particular, establishing different protocols. As stated by The Inter-American Convention on the Prevention, Punishment, and Eradication of Violence against Women defines violence against women as "any act or conduct, based on gender, which causes death or physical, sexual or psychological harm or suffering to women, whether in the public or the private sphere" [3].

6. Educate the Woman for a better Tomorrow

The original question asked about laws, and these must be an important part of the solution even if law alone will not be sufficient. The law both expresses public beliefs and leads public beliefs. Most of the time, laws come into being only after there is widespread acceptance of the ideas behind them, but that is not always the case. So laws on equity in various areas, including in the labor market but also in the legal system and in the domestic arena (for example property rights) are important for women's rights and situation overall. So are codes of human rights, if they have mechanisms for enforcement. Then the judicial system, especially judges, must be ready to enforce those laws in their decisions. As I'm sure everyone would recognize, law alone will not be enough. Continued education for both men and women about the status of women is important, the creation of organizations and institutions that support women's rights is important. Gathering and analyzing data on the situation of women is important. Continued media attention to issues of inequality is important. We cannot just say it is a matter of culture. Cultures change, but it takes serious and sustained effort to move those changes in the right directions. I would say that the changing role of women has been the largest single social change of the last 100 years, and overall has had very large positive effects on the world, but it is still far from complete. More effort is required.

7. Guarantee and Safeguard the Right of Women

Firstly we need to change our mentality towards women and respect their rights. The Equal Opportunities Commission (EOC) setup in some parts of Africa, provided for example under article 32 of the Ugandan Constitution, was established in 2007 and has been in operation since mid-2010. It is composed of only five members representing different constituencies in Uganda (youth, elderly, persons with disabilities, women). The EOC commission is tasked with the mandate to range and use some of its powers, including conducting investigations, on its own initiatives or on a receipt of a complaint; conduct educational campaigns; research; issuing recommendations; contributing to legislative processes; also preparing and publishing guidelines for the implementation of equal opportunities; monitoring compliance with international instruments; settling of disputes; and hearing and determining of complaints. The EOC has set for itself a number of priorities, such as the translation of its mandate in simple terms for dissemination; The mapping of the Ugandan legal framework in terms of equal opportunities and non-discrimination; research and data collection and the setting up of a complaint unit (for which is in the process of writing rules of procedure). This mechanism would have the power to settle issues through mediation or settlement, in some cases, it has the power impose or order fines or even sentences of imprisonment in instances within the mandate of the Commission. However, at the end of 2011, the lacked staff, the commission has only five commissioners and a couple of support staffs. In order to develop the complaint mechanism, the EOC intends to rely on existing government staff at its regional level, including, in particular, community service officers and they share their office space with the UHRC. The first EOC complaints were sent to the UHRC for redress. In the short-term, the EOC needs to pursue a realistic set of concrete objectives, leaving other areas of its mandate for medium and longer term. In this regard, the June 2009 Action plan was therefore rendered obsolete and requires updating. The overlapping mandates of the UHRC have been (in existence for over 13 years) and the EOC, call for very close cooperation, coordination, as well as shared resources (including office space outside Kampala) this Ugandan example should be emulated in other African or developing countries. As it will ensure the successful growth of women development [9].

8. Status of muslim women in the family

In most parts of the world, and especially the developing world and some parts of Asia other civilized countries, a number of laws have been introduced to ensure and provide protection for the rights of women, but the complexity of some religious and social norms does not allow most of the homogenous civil rights legislation. For example, the constitution of India gives a vivid insight into the constitutional provisions for women which are meant to substantially elaborate the framework to ensure gender equality amongst its citizens. This is not to only guarantee equality of all persons, under Article 14 of the Constitution of India for example: “The Indian State shall not deny any person Equality before the law or the Indian state guarantees equal protection of the laws within the territory of India”, but also “Article 15(1) of the Indian constitution [1]: Prohibits the discrimination on the grounds of religion, race, caste, sex, place of birth or any of them”. Furthermore, there are other Articles under the Indian constitution regarding the fundamental human rights of women such as; Articles 15(3)1 [2], 16(2)2, 39(a) 3, which can be seen through these Articles, every human being is supposed to have his/her fundamental human rights protected by the Indian constitution the Indian constitution accords equality to women and men in all fields of endeavor.

9. Global Laws Needed for Women

But on the other hand, nothing in these Articles shall prevent the state from making any special provision for women and children. For this reason, while civil and criminal laws in India are secular, personal laws are governed by the respective religious laws. In India, religion and personal law are largely interlinked. So Hindus follow Hindu family law and Muslims, Christians, and Parsees have their own laws; and other traditional communities, like the tribal groups, follow their own customary practices or customary laws. Unlike other laws in force in India, such as criminal and civil laws, family laws are not uniform. However, the Constitution of India, in Article 44, provides for a goal or aspiration for achieving a uniform civil code in family and personal matters. This provision is merely a directive or aspiration and is unfortunately not enforceable by a court of law. For both Hindu and Muslim legal systems, there were other variances based on sectarian divisions, regional specifics, and the local customs and practices. The Hindu law and the Muslim “Sharia” did not differentiate much between moral, custom, and law. The Canon or Islamic Law is the moral and religious law primarily grounded on the principles of the Islamic religious text the holy Quran and examples

10. How Ghanaian Women are viewed in the Family

The Ghanaian woman still faces persecution, discrimination, and inequality in the Ghanaian society. The situation is so worrying that after years of education and all fights that women has fought to equality in the family setup the issue is still occurring, decades after the first women's international conference and the United Nations Convention on the Elimination of all Forms of Discrimination against Women[4], as well as the Ghanaian Constitutional provisions of women's rights and equality of all under the laws of Ghana, The research examines the issues of gender inequality, in terms of household work, sexual and reproductive health/rights and political decision-making and participation, from the perspectives of the Ghanaian woman. The research digs deep into challenges faced by women Ghanaian women in the family using different educational, socio-economic and occupational backgrounds in both urban and rural communities placing emphasis on group discussions. The research revealed that the Ghanaian woman, in theory, have the constitutional right to enjoy equal rights and opportunities with their male counterparts, however, in practice they lag behind in almost all public spheres of life. They lagged behind in political participation and decision-making, and also in expressing and enjoying their sexual and reproductive rights. Gender inequality has been attributed to institutional and structural barriers, in addition to women's multiple roles, cultural and customary barriers and negative attitudes and perception about women in general.

11. Equal Under a Single Law. (Universal Declaration of Human Rights)

The United Nations convention on the rights of every human state that, all human beings are born free and equal in dignity and rights. The law further states that humans are endowed with reason and conscience and should act towards one another in a spirit of brotherhood. This great quote is known to all or very few humans, that have the opportunity to get for him or her education, but how many people know that Human Dignity in the UN Charter. Much of the inspiration for the subsequent use of the dignity in international and regional human rights texts derives from the use of human dignity in the Universal Declaration of Human Rights. The Preamble

mentions dignity in two places: ‘ [w]hereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of every human freedom, justice and peace in the world and a little later: ‘ [w]hereas the persons of the United Nations have in the Charter reaffirmed their faith in the fundamental human rights, in dignity and the worth of all human persons and in the equal rights of men and women and have determined to promote social progress and better the standards of life in larger freedoms. Article 1 of the human rights charter takes up this theme and provides: all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should, therefore, must act towards one another in a spirit of brotherhood. ’ There are also several more specific uses of the human dignity. Article 22 of the UN human rights charter, also states that, on the right to social security, the charter clearly states the provision and protection of every human as a member of society, and that everyone has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, the economic, social and cultural rights are indispensable for his/her dignity and the free development of his personality ’ . Article 23(3), set in the context of right to work, also provides that ‘ [e]veryone who works has the right to just and favorable remuneration ensuring for himself and his family an existence worthy of a human dignity, and supplemented, if necessary, by other means of social protection ’ [8] .

12. The Ghanaian Inheritance Law

The Ghanaian inheritance law, the Interstate Succession Act (PNDCL 111, 1985) is the only existing law that governs family inheritance when a property owner dies without putting down a written will. Since 1985[5], some amendments have been made, in other for it to be more consistent with recent legislation, placing more emphasis in the passage of the Intestate Succession Amendment Law (PNDCL 264). These provide more opportunities through PNDCL 111. This is for the protection of the surviving spouse’s property rights in intestate succession. It recognizes that the surviving spouse and her children face insecurity under the customary laws of Ghana, the nuclear family is of growing importance in the Ghanaian family system, and ensures that the wife’s role in her husband’s economic activities requires legal recognition. Most of the major limitation of the existing law is that it only pertains to self-acquired property and not to any lineage property [6], which is the classification of the majority of land in Ghana. This current law leaves no protection for the spouse. Under the law for a spouse’s or children’s claims to the deceased’s (lineage) land holdings. In most cases where land has been inherited from the lineage, even if it was undeveloped land and later developed by the inheritor, it has been ruled that PNDCL 111 cannot apply (Woodman, 2004).

13. Women’s human rights abuse in the northern parts of Ghana

Various research findings from numerous empirical studies in parts of Ghana indicates that while some of the human rights abuses such as wife battery, male dominance, intimidation of women, widowhood rights, the neglect of family and the restrictions on the movement and on some foods are on the rise and other practices, such as FGM, (Female genital Mutilation) the levirate and eloped marriages and to some extent widowhood rites are on the decline. Many of the respondents attributed the emerging trend to formal education, advocacy, sensitization, Christianity and urbanization [7]. All the respondents attested to the fact that the social structures

such as family and kinship relationships do protect women but economic and other considerations have most of the time compromised them. These days, it is proven that, when a man dies, the family immediately demands his property without even considering the welfare of the widow and her children. In a ploy to alienate her, the woman could be accused of culpability in her husband's death in many cases, she may accuse of witchcraft and hence excluded from decisions relating to her husband's funeral and estate. That trend was said to be alien to the Northern parts of Ghana, who traditionally should seek to protect the widow and children. Among them, the first and right thing is to ensure the comfort and care of the widow and her children.

14. Conclusion

As the UN human right states, we are born equal under a common law, But years after passage of the UN common law, about all human beings born equal in dignity, issues of gender inequality continues to persist in our everyday lives, the rights of today's women continue to be a nightmare or not respected, researchers have done so many researchers exposing the flaws in most parts of the world as to some of the causes of Human rights against women. the UN entreats all sectors of the world, to grant women equal rights and opportunity, equal in education, jobs and dignity, their right to lead, and be respected, and be a decision maker, the right to choose her own soul mate, to receive equal pay with her male counterpart, time has come for the UN to ensure states governments impose this law to its latter. Equal allocation of job opportunities and leadership, this, if implemented, will be the beginning of better things to come.

References

- [1] Retrieved from <https://indiankanoon.org/doc/1942013/>
- [2] Hanumanthappa DG, Constitutional and legal provisions for women in India, International Journal of Multidisciplinary Research and Development. Volume: 2, Issue: 8, 474-476 Aug (2015)
- [3] Retrieved from https://en.wikipedia.org/wiki/Domestic_violence
- [4] Retrieved from <http://www.un.org/womenwatch/daw/cedaw/>
- [5] Retrieved from <http://extwprlegs1.fao.org/docs/pdf/gha140393.pdf>
- [6] Elizabeth Cooper, Policy Notes, Challenges, and opportunities in inheritance rights in Ghana. February 2011
- [7] Judith Bawa, strengthening social structures for protecting women's rights among the kassena of northern Ghana, Ghana Journal of Development Studies, 9(1): May 2012
- [8] Christopher McGruder, Human Dignity and Judicial Interpretation of Human Rights. The European Journal of International Law Vol. 19 no. 4 © EJIL 2008.
- [9] Retrieved from <https://www.fidh.org/IMG/pdf/uganda582afinal.pdf>